

71-10-1. Definitions.

As used in this chapter:

(1) "Active duty" means active military duty and does not include active duty for training, initial active duty for training, or inactive duty for training.

(2) "Government entity" means the state, any county, municipality, local district, special service district, or any other political subdivision or administrative unit of the state, including state institutions of education.

(3) "Preference eligible" means:

(a) any individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated under honorable conditions;

(b) a veteran with a disability, regardless of the percentage of disability;

(c) the spouse or unmarried widow or widower of a veteran;

(d) a purple heart recipient; or

(e) a retired member of the armed forces.

(4) "Veteran" means:

(a) an individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions; or

(b) any individual incurring an actual service-related injury or disability in the line of duty whether or not that person completed 180 consecutive days of active duty.

(5) "Veteran with a disability" means an individual who has:

(a) been separated or retired from the armed forces under honorable conditions; and

(b) established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.

Amended by Chapter 137, 2014 General Session

71-10-2. Veteran's preference.

(1) Each government entity shall grant a veteran's preference upon initial hiring to each preference eligible veteran or preference eligible spouse according to the procedures and requirements of this chapter.

(2) The personnel officer of any government entity shall add to the score of a preference eligible who receives a passing score on an examination, or any rating or ranking mechanism used in selecting an individual for any career service position with the government entity:

(a) 5% of the total possible score, if the preference eligible is a veteran;

(b) 10% of the total possible score, if the preference eligible is a veteran with a disability or a purple heart recipient; or

(c) in the case of a preference eligible spouse, widow, or widower, the same percentage the qualifying veteran is, or would have been, entitled to.

(3) A preference eligible who applies for a position that does not require an

examination, or where examination results are other than a numeric score, shall be given preference in interviewing and hiring for the position.

Amended by Chapter 366, 2011 General Session

71-10-3. Willful failure to give preference a misdemeanor.

Any officers, agents, or representatives of a government entity who is charged with employment of people and who willfully fails to give preference as provided in this chapter is guilty of a misdemeanor.

Amended by Chapter 133, 1993 General Session